

REMARKS

This is in response to the office action of July 16, 2007.

Applicant wishes to thank the Primary Examiner for the determination of allowable subject matter.

In paragraph 4 of the office action, claim 74 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 74 recites the limitation "said contoured vanes being nonuniform" in lines 4-5. According to the Examiner, "it is unclear with respect to what applicant is comparing the vanes as being nonuniform (i.e., nonuniform in shape-irregular shape, nonuniform in size--ones bigger than the others)." In paragraph 2 of the office action, "[t]he drawings were objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, 'the contoured vanes being nonuniform (claim 74)' must be shown or the feature(s) canceled from the claim(s)." In paragraph 10 of the office action, the Examiner stated: "[c]laim 74 is rejected under 35 U.S.C. 102(b) as being anticipated by Brausch et al. (US 6,360,528).

The rejection of claim 74 and the drawing requirement are respectfully traversed in view of Fig. 13 and the description provided in the specification. As set forth in the specification, "Fig. 13 is a schematic representation 1300 of a vane extender (vortex generator) 1306 for reducing noise from a gas turbine fan and/or engine exhaust. Tracks 1301 and 1302 reside within vane 1305. In this application vane 1306 is extended through the opening 1304 in the trailing edge of vane 1305. Leading edge 1303 and the remaining structure is similar to that described above. Vane extender 1306 is illustrated in and its extended position 1307 in Fig. 13. A drive mechanism be it mechanical or smart (not shown) drives and retracts the vane between its two positions." Further, claim

74 states “each of said convexly contoured vanes has a length, said lengths of said convexly contoured vanes being nonuniform.” When the specification and claim 74 are read together it is believed that the claim is unambiguously referring to the *length* of the vane. Therefore, it is respectfully suggested and believed that there is no reason to modify the drawings as they show the claimed invention.

As to the substantive rejection of claim 74 as anticipated by Brausch it is also respectfully traversed in view of the fact that Brausch does not disclose rotatable vanes. Brausch’s vanes are integral, col. 2, lns. 65-67. Furthermore, it is respectfully suggested that Brausch does not disclose a plurality of vanes forming a nozzle as required by claim 74. Brausch does disclose chevrons 18 of varying lengths and sizes but they are not rotatable and they do not form a nozzle as that term is used in the instant specification. Rather, the chevrons 18 extend from the nozzle and create a discontinuous pattern such as the pattern created by pinking shears cutting cloth. Reconsideration of claim 74 is requested.

Claims 1-5, 14, 29-39, 52, 53-62, 65-67, 90 and 93 were rejected under 35 U.S.C.102(b) as being anticipated by Lewis (US 5,273,213).

Claims 1, 29, 31, 90 and 93 have been amended. Claims 2-4 have been cancelled and the subject matter thereof has been included in amended claim 1. Claim 30 has been cancelled and the subject matter thereof has been included in amended claim 29.

Lewis does not disclose a contour or a crowned contour. Lewis' vanes are flat, col. 2, ln. 46. Claim 1 as amended requires that each of the interior and exterior surfaces include a crowned contour. A crown is not flat. Claims 5 and 14 are allowable as dependent on allowable claim 1. Claims 6-13 and 15-17 are dependent directly and indirectly on claims 5 and 14, respectively, and, as such are allowable as previously determined by the Primary Examiner.

Claim 29 was amended to recite that each of said vanes includes an interior surface and an exterior surface and that each of said surfaces of said vanes includes a crowned contour. Claim 30 was cancelled and the subject matter thereof was included in claim 29. Lewis lacks vanes having crowned surfaces and, as such, claim 29 and claims 31-33 which depend therefrom are patentable.

Claims 34 and 52 recite convexly contoured vanes. Lewis does not disclose convexly contoured vanes. Claims 35-51 depend directly or indirectly on allowable claim 34. Claims 53-73 depend directly or indirectly on allowable claim 52. As such, claims 34-51 and 52-73 are allowable.

Claims 90 and 93 have been amended and now recite vanes having crowned surfaces. Lewis does not disclose vanes which have crowned surfaces. As such, claims 90 and 93 are allowable.

Reconsideration of claims 1-5, 14, 29-39, 52, 53-62, 65-67, 90 and 93 is requested.

In paragraph 7 of the office action, claim 52 is rejected under 35 U.S.C. 102(b) as being anticipated by any one of the following references: Zysman et al, (US 6,487,848); Nesbitt et al. (US 6,718,752); Hooker (US 3,263,417).

Claim 52 recites a plurality of convexly contoured vanes which “form” a nozzle and are rotatable. A nozzle does not have discontinuities. see Figs. 4 and 4A. Zysman does not recite vanes which form a nozzle as required by claim 52. Rather, tabs 40 are fixed and are integral with (i.e. not rotatable) the nozzle and do not “form” a nozzle. Nesbitt has flow altering components or tabs 16 which do not “form” a nozzle as that term is used in claim 52. Nesbitt’s flow altering components are not rotatable. Hooker has channel shaped components which are not convexly contoured as required by claim 52.

As such claim 52 and claims 53-73 which depend directly or indirectly therefrom are patentable. Reconsideration of claims 52 and 53-73 is requested.

In paragraph 8 of the office action, claim 90 was rejected under 35 U.S.C. 102(a) as being anticipated by Hooker (US 3,263,417).

Claim 90, as amended, recites that each of the vanes is rotatable with respect to said support, each of the vanes includes an interior surface and an exterior surface, and each of the surfaces of the vanes includes a crowned contour. Hooker has channel shaped components which are not contoured as required by claim 90.

As such amended claim 90 is patentable and reconsideration is requested.

In paragraph 9 of the office action, claims 52-54 and 59-62 were rejected under 35 U.S.C. 102(b) as being anticipated by McLafferty et al. (US 5,261,605).

Claim 52 is patentable for at least the reasons that McLafferty does not disclose a plurality of convexly contoured vanes forming a nozzle. McLafferty has vanes but they are flat and they include seals interposed between the flaps. The seals and the vanes in McLafferty form a nozzle but the vanes alone would not form a nozzle. Claim 53 recites that the vanes interengage each other and this is clearly not done in McLafferty. Claims 54 and 59-62 are allowable as they depend directly or indirectly on allowable claims 52 and 53.

Reconsideration of claims 52-54 and 59-62 is requested.

No fee is being submitted as it is believed no fee is required at this time. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account 23-3060.

Respectfully submitted,

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